

RESOLUTION NO. 2006-39

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING POLICY STATEMENT FOR CODE  
ENFORCEMENT PROGRAM

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Policy Statement for the Code Enforcement Program operated through the Community Development Department, Community Improvement Division, as attached hereto marked Exhibit A.

Dated: March 1, 2006

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I hereby certify that Resolution No. 2006-39 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

**POLICY STATEMENT FOR  
CODE ENFORCEMENT PROGRAM****Sections 1 – 3****Section 1. Introduction**

The Community Improvement Division of the Community Development Department is responsible for the interpretation and enforcement of the Housing Code, the Dangerous Building Code, State laws, and the Lodi Municipal Code, as they pertain to substandard and dangerous dwellings and buildings, and blighted or nuisance properties throughout the City of Lodi. This activity has three major elements:

- ♦ **Community Improvement.** The administration and clerical duties which support all activities under the Community Improvement Division. This includes the staff's support and participation with community groups and functions, as well as the development and implementation of an education and information program to educate residents and property owners of the existing property maintenance requirements as well as the minimum housing standards.
- ♦ **Code Enforcement.** The daily function of a city-wide Code Enforcement program is to address issues of substandard housing, zoning violations, and nuisance activities on private property, on both a proactive and reactive/complaint-driven basis, as a means of eliminating blighted and nuisance conditions throughout the City of Lodi.
- ♦ **Abatement.** The abatement of substandard and/or hazardous buildings or properties by way of demolition, repair, board up or clean up. All abatement costs are billed to the property owner and then placed as a lien on the property if not paid.

**Section 2. Principles**

The overall strategy of the Community Improvement Division's code enforcement program is based upon the following guiding principles:

- That fair and just code enforcement requires balancing the public good with individual rights.
- That it is the desire of city staff to work with property owners, residents and business owners of the community to achieve cooperative relationships and encourage voluntary compliance.
- That punishment is not an independent objective of code enforcement. Punishment is a means of achieving a higher level of compliance with applicable codes.
- That it is not generally desirable to impose punishment after a violation has been abated, except as a means of obtaining efficient code enforcement.
- That an objective of the enforcement program is to strive to be prompt, consistent, predictable, and firm, while being both courteous and professional.
- That enforcement response and its effectiveness needs to be continually assessed, and new strategies be considered and implemented as warranted.

- That those responsible for creating an additional demand for code enforcement services will be held responsible for the cost of providing those additional services.
- That it is beneficial to establish effective collaborations with other departments, agencies and organizations to aid in the accomplishment of these principles and the goals and objectives of the program.

Section 3. Goals and Policies

The following goals and policies guide the code enforcement program.

- City Council believes that each resident of Lodi deserves to live in a safe, peaceful and attractive neighborhood.
- City Council recognizes that the maintenance of the city's neighborhoods has an economic value, as well as the value of having residents feel safe and satisfied in their surroundings.
- City Council believes that the goal of code enforcement, in supporting neighborhood safety, peacefulness and attractiveness, is to achieve compliance with all applicable codes and the standards attributed to each code.
- The City, through its existing ordinances has set a specific policy on a number of code-related issues; it is the responsibility of the City Council and the city administration to support compliance with ordinances and/or change them as needed.
- City Council believes that tenants, property owners and property managers all have responsibilities and may all be involved in code compliance efforts.
- City Council believes that cost recovery is an important element to the code enforcement program and while it is not reasonable to expect the code enforcement program to be self-supporting, all efforts should be made to recover costs that the City incurs in the course of an abatement action and a comprehensive schedule of fines or penalties should be established.
- City Council believes that individuals must be given their right to due process throughout the course of a code enforcement action.
- The City Council is open to considering creative enforcement and funding alternatives.

Section 4. Operational Priorities

The City Manager and the Community Development Director have responsibility for determining the specific operational approaches to be used in code enforcement. The following priorities guide the operational planning and day-to-day management of the code enforcement program.

- The Community Improvement Division's priority is to respond to and attempt to resolve all code enforcement complaints. However, due to limited code enforcement resources, there may be times when all code enforcement complaints cannot be given the same level of attention.
- The following community-wide criteria for the prioritization of code enforcement complaints is established, with #1 being the highest priority:

1. Violations that present an imminent threat to public health and safety;
  2. Violations affecting storm water discharge to rivers or streams or other irreparable environmental damage;
  3. Violations related to substandard housing and dangerous building conditions;
  4. Violations related to inoperable, wrecked, dismantled or abandoned vehicles;
  5. Focused enforcement projects, as described in Section 5;
  6. Any of the following types of violations that are having an adverse impact on a larger population or area;
  7. Violations involving on-going, unpermitted construction.
  8. Violations related to zoning or land use regulations;
  9. Violations related to property maintenance issues;
  10. Violations related to noise regulations and other nuisance activities or conditions.
- In those circumstances that code enforcement complaints have to be prioritized, the most serious violations, as determined under the priorities set forth above, should be addressed before the less serious violations.
  - The Community Improvement Division is not to accept anonymous complaints pertaining to code violations, except in those cases where the nature of the complaint involves an imminent threat to public health and safety or to the environment and the existence of the violation can be verified through an inspection. In those exceptions, staff shall have the discretion to accept an anonymous complaint and investigate it to confirm the alleged condition.
  - The Community Improvement Division will not accept retaliatory complaints from parties or individuals who have an active complaint or code enforcement action against their property. Retaliatory complaints are unjust and detract the complainant's attention from needing to correct violations upon their property. Once all violations or outstanding issues have been resolved from their property, the Community Improvement Division will accept and act upon their complaint(s) regarding other properties in the priority established above.
  - The above prioritization is established because a complaint-driven system has not been entirely effective in achieving code enforcement goals and policies.

#### Section 5. Focused Enforcement Efforts

It is necessary to undertake focused enforcement efforts to identify code violations and obtain compliance. These focused efforts will include the following tasks:

1. The abatement of nuisance and dangerous buildings;
2. Violations or conditions which affect either an entire neighborhood or area, or the entire city;

3. Address conditions noted at one property that are clearly visible at surrounding properties;
  4. Stop Work Orders for unpermitted activities;
  5. Provide assistance with related code enforcement actions by other departments and agencies.
- The Lodi Improvement Committee is a mechanism for identifying neighborhoods, areas or issues that are in need of focused enforcement.
  - The Lodi Police Department Partners Volunteers shall be utilized to support Community Development's focused enforcement in targeted areas.